

## REMARKS

The application has been amended to correct the cited informalities, to distinguish the invention over the cited prior art, and to place the application, as a whole, into a *prima facie* condition for allowance. Care has been taken to avoid the introduction of any new subject matter into the application as a result of the foregoing amendments.

Applicant confirms that claims 7 – 10 now stand withdrawn from consideration, as being drawn to a non-elected invention.

The claims have been objected to because they include reference characters which are not enclosed within parentheses. In response thereto, Applicant has amended claims 1 - 6 to incorporate parentheses. In view of the fact that claims 7 - 10 have been withdrawn those claims have not been amended. Reconsideration and withdrawal of the objection to the claims are respectfully solicited.

Claims 1 - 3, 5, and 6 have been rejected under 35 U.S.C. 102(b) as being anticipated by Glynn, U.S. 3,179,969. Claims 1 - 4 have been rejected under 35 U.S.C. 102(b) as being anticipated by Schmid, U.S. 4,356,987. Applicant respectfully traverses the Examiner's substantive bases for rejection of the claims.

The Glynn, U.S. 3,179,969 reference discloses a member for connecting a windshield wiper blade to the wiper arm. A hole 6 having "downwardly" pointing angular teeth 14 is disposed in the wiper blade pressure member 3. Lug 5 has a face 9 from which prongs 18, having prong teeth 20, extend downwardly. Lug 5 has a through-hole which receives the pin from the wiper arm. By pushing prongs 18 into

hole 6, prong teeth ride along the edges of angular teeth 14, causing prongs 18 to be deflected inwardly toward one another, until the respective barbs of teeth 14 and prong teeth 20 pass one another, permitting prongs 18 to move outwardly toward their original undeflected positions. The bending or deflection of prongs 18 occurs at some point at or just below face 9. Lug 5 is effectively rigid. Once lug 5 has been installed it cannot be removed, without having to, e.g., destroy the pressure member, or somehow insert a prying tool to move the prongs, because no part of the prongs is exposed, when lug 5 is in place. The prongs 18 emanate from the face 9 at positions moved laterally inwardly from the opposed ends of the lug 5. This is required because the lug 5 is held in place by the gripping force exerted "vertically" between the face 9, on one side, and the upwardly facing surfaces of prong teeth 20. If there were no "overhang" at the opposite ends of lug 5, there would be nothing to keep lug 5 from sinking into the hole, thus providing an insecure connection, which would be inappropriate in the environment of a connection for a windshield wiper.

Schmid, U.S. 4,356,987 discloses a support clip for holding electrical wires in place, e.g., on a desk. The clip includes legs 3, which emanate from crosspiece 4, and which have shoulders 9, which bear against the support surface 8, when the clip is in place. At the ends of legs 3 are sloping surfaces 5. Between shoulders 9 and sloping surfaces 5 are rectangular grooves 6, which receive the edges of the bore 12. When the clip is in place, there is clearly a gap between the inner surfaces of grooves 6, and the respective edges of bore 12 - which is indicated by the lead line for reference numeral 7.

Applicant's invention of amended claim 1 includes as limitations, among others, that the transverse section (7, 7a, 7b) has two opposed end regions which are spaced apart a distance substantially greater than a distance separating the edge sections (11, 11b) of the stationary mount (3, 3b); that the elastically movable support units emanate from respective ones of the two opposed end regions of the transverse section (7, 7a, 7b); and that the stopping catches (9, 9a) are spaced apart a distance substantially less than the distance separating the opposed end regions of the transverse section (7, 7a, 7b).

Applicant respectfully submits that this construction is neither taught nor suggested by the Glynn, U.S. 3,179,969 reference, for the reasons discussed hereinabove. Specifically, it is clear that the prongs 18 do not emanate from opposed ends of the "transverse section" (i.e., lug 5), and that based upon the other construction elements of Glynn, U.S. 3,179,969 reference, it cannot be modified to do so, because that would frustrate the operation of the lug 5. Furthermore, the prong teeth 20 extend laterally almost coextensively with the ends of lug 5 - which they must do in order to provide any surface for engaging teeth 14. In view of the foregoing, Applicant respectfully submits that Applicant's invention of amended claim 1 should be deemed to patentably distinguish over the cited Glynn, U.S. 3,179,969 reference. Therefore, reconsideration and withdrawal of the rejection of claim 1, based on the Glynn, U.S. 3,179,969 reference, are respectfully solicited.

With respect to the Schmid, U.S. 4,356,987 reference, Applicant respectfully traverses the Examiner's implication that shoulders 9 are part of the crosspiece 4 - thus

making them extensions of the transverse section (using the terminology of claim 1). Applicant respectfully submits that this is contrary to the plain language and ordinary understanding of the ways in which the respective devices of Applicant's invention, and the Schmid, U.S. 4,356,987 reference function. In the device of the Schmid, U.S. 4,356,987 reference, any pivoting or flexing which occurs, occurs at the tops of legs 3, where they emanate from crosspiece 4. Accordingly, shoulders 9 are part of the legs 3, which would be the equivalent of the elastically movable support units (8, 8a, 8b, 15) of claim 1, and clearly not part of the "transverse section". Furthermore, because the apparatus of the Schmid, U.S. 4,356,987 reference is intended to be removable, legs 3 are not, as a whole, "dimensionally stable" as that term is understood in Applicant's invention. Accordingly, it is inappropriate for the Examiner to transfer or impart a characteristic (having a length greater than the spacing between the edges of the opening in the stationary mount) from one element to another element of the cited reference.

Notwithstanding the foregoing, Applicant respectfully submits that Applicant's invention of amended claim 1 patentably distinguishes over the cited Schmid reference, in view of Applicant's amendment of claim 1, which clearly delineates the spatial and dimensional relationships of the transverse section and the elongated elastically movable support units. In particular, the stopping catches (9, 9a) of applicant's invention are clearly inwardly laterally displaced relative to the transverse section (7, 7a, 7b), while, in contrast, tapering surfaces 5 actually extend laterally outwardly beyond even the endmost regions of crosspiece 4. Furthermore, because the clip of the

Schmid '987 reference is designed for enclosing wires or tubes (which must necessarily pass through the gap "b", tapering surfaces 5 cannot be moved toward one another, as that would constrict the gap "b" and likewise reduce the amount of flat surface that surfaces 5 would have to engage the undersurface adjacent the hole 12. In addition, because of the particular construction of Applicant's invention of amended claim 1, as set forth in claim 1, any pulling force that may be exerted upon transverse section (7, 7a, 7b) causes constricted restricted sections (10, 10b) disposed between the stopping catches (9, 9a) to bear against the edge sections (11, 11b). Such an operation is neither possible, in the apparatus of the Schmid reference, because of the gaps (see the lead line from ref. no. 7) between the edges of the hole and the surfaces of the notches above tapering surfaces 5, and because pulling on the clip is not part of its normal mode of operation, and resisting such pulling (in the manner that Applicant's invention is intended to be pulled) is not contemplated. The clip of the Schmid reference is intended to be disposed in sequence along a surface, for holding down in an orderly fashion, lengths of wire or tubing, so localized pulling directly away is not in the ordinary scope of operation of that clip.

In view of the foregoing, Applicant respectfully submits the Schmid reference completely fails to teach or suggest Applicant's invention of amended claim 1, and that claim 1 should be deemed to patentably distinguish over the cited Schmid reference. Therefore, reconsideration and withdrawal of the rejection of claim 1, based on the Schmid reference, are respectfully solicited.

Applicant respectfully submits that claim 1, as amended, patentably distinguishes over both of the Glynn and Schmid references, as well as all the other prior art of record, as well as the prior art being submitted in the Information Disclosure Statement being submitted contemporaneously herewith, and therefore reconsideration and allowance of claim 1 are respectfully solicited.

Inasmuch as dependent claims 2 – 6 merely serve to further define the subject matter of claim 1, which itself should be deemed allowable, claims 2 - 6 likewise should be deemed to patentably distinguish over the cited Glynn and Schmid references, as well as all the other prior art of record. Therefore, reconsideration and withdrawal of the rejections of claims 2 – 6, and allowance thereof, are respectfully solicited.

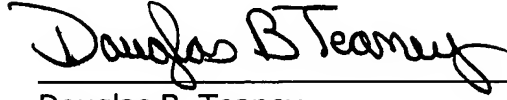
Applicant respectfully requests reconsideration and allowance of the application as a whole, including all of claims 1 – 6.

Should anything further be required, a telephone call to the undersigned at (312) 456-8400 is respectfully requested.

Respectfully submitted,

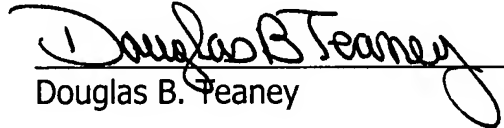
GREENBERG TRAURIG

Dated: September 8, 2003

  
\_\_\_\_\_  
Douglas B. Teaney  
One of Attorneys for Applicant

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on September 8, 2003.

  
\_\_\_\_\_  
Douglas B. Teaney